

MEMORANDUM

Agenda Item No. 11(A)(5)

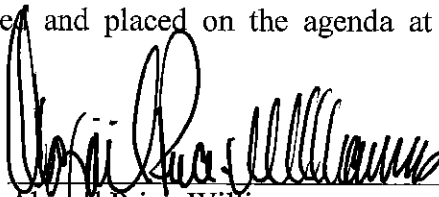
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 20, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact legislation that would (1) prevent the housing of individuals that are diverted from the criminal justice system in assisted living facilities or community residential homes, and (2) allow for the operation of alternative means of housing for such individuals, and require that the homes provide services focused on the needs of the population being served, but restrict the placement of such homes to non-residential areas and areas that are not in proximity to schools or parks; waiving requirements of Resolution No. R-764-13 limiting number of state legislative priorities; amending Resolution No. R-911-15 to revise the Board's state Legislative priorities for the 2016 legislative session to include this issue as a priority

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.


Abigail Price-Williams
County Attorney

APW/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 20, 2015

FROM: Abigail Price-Williams
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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(5)
10-20-15

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD (1) PREVENT THE HOUSING OF INDIVIDUALS THAT ARE DIVERTED FROM THE CRIMINAL JUSTICE SYSTEM IN ASSISTED LIVING FACILITIES OR COMMUNITY RESIDENTIAL HOMES, AND (2) ALLOW FOR THE OPERATION OF ALTERNATIVE MEANS OF HOUSING FOR SUCH INDIVIDUALS, AND REQUIRE THAT THE HOMES PROVIDE SERVICES FOCUSED ON THE NEEDS OF THE POPULATION BEING SERVED, BUT RESTRICT THE PLACEMENT OF SUCH HOMES TO NON-RESIDENTIAL AREAS AND AREAS THAT ARE NOT IN PROXIMITY TO SCHOOLS OR PARKS; WAIVING REQUIREMENTS OF RESOLUTION NO. R-764-13 LIMITING NUMBER OF STATE LEGISLATIVE PRIORITIES; AMENDING RESOLUTION NO. R-911-15 TO REVISE THE BOARD'S STATE LEGISLATIVE PRIORITIES FOR THE 2016 LEGISLATIVE SESSION TO INCLUDE THIS ISSUE AS A PRIORITY

WHEREAS, Miami-Dade County is home to the largest percentage of people with serious mental illnesses ("SMI"), such as schizophrenia, bipolar disorder, and major depression, of any urban community in the United States; and

WHEREAS, roughly 9 percent of the population in Miami-Dade County experience SMI, yet fewer than 13 percent of these individuals receive care in the public mental health system; and

WHEREAS, as a result, law enforcement and correctional officers have increasingly become the lone responders to people in crisis due to untreated mental illnesses; and

WHEREAS, the Eleventh Judicial Circuit Criminal Mental Health Project ("CMHP") was established to divert nonviolent misdemeanor defendants with SMI or co-occurring SMI

and substance use disorders, from the criminal justice system into community-based treatment and support services; and

WHEREAS, the program has expanded to serve defendants that have been arrested for less serious felonies and other charges as determined appropriate; and

WHEREAS, CMHP established an assisted living facility ("ALF") referral program in order to improve the access to and the quality of care received at ALFs in Miami-Dade County; and

WHEREAS, ALFs participating in this program have agreed to comport themselves to the Court's standards of care and to subject themselves to a monitoring system by a team of Court appointed professionals; and

WHEREAS, Chapters 419 and 429, Florida Statutes, allow for ALFs and community residential homes to operate in predominately single-family and multi-family residential neighborhoods; and

WHEREAS, ALFs and community residential homes are operated and regulated as homelike-residential environments with supportive services for elderly persons and adults with disabilities, and not as medical or nursing facilities; and

WHEREAS, the diversion of individuals from the criminal justice system to ALFs or community residential homes could have the effect of altering the character of the residential areas where the homes are found and could potentially cause problems for the surrounding residents, particularly for the most vulnerable residents, the children and the elderly; and

WHEREAS, the residents of the ALFs and community residential homes are usually elderly and disabled individuals who are receiving increased or adjusted services to compensate for the physical or mental decline that may occur with the aging process; and

WHEREAS, placing individuals who are suffering from SMI and who have been diverted from the criminal justice system in residential homes that are focused on providing non-medical services to the elderly and disabled may result in a failure to meet the needs of either group of residents; and

WHEREAS, while CMHP's mission is admirable and should be supported, it would be more prudent to have the program's participants placed in group homes that provide targeted services for the specific needs of individuals suffering with SMI; and

WHEREAS, this Board wishes to urge the Florida Legislature to enact legislation that would prevent the housing of individuals that are diverted from the criminal justice system in ALFs or community residential homes and to allow for the operation of alternative means of housing for such individuals, and to require that the homes provide services focused on the needs of the population being served, but to restrict the placement of such homes to non-residential areas and areas that are not in proximity to schools or parks,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact legislation that would prevent the housing of individuals that are diverted from the criminal justice system in assisted living facilities or community residential homes.

Section 2. Urges the Florida Legislature to enact legislation that would allow for the operation of group homes for individuals that are diverted from the criminal justice system, and require that the homes provide services focused on the needs of the population being served, but restrict the placement of such homes to non-residential areas and areas that are not in proximity to schools or parks.

Section 3. Waives requirements of Resolution No. R-764-13 and amends Resolution No. R-911-15 to revise the Board's state legislative priorities for the 2016 legislative session to include an eleventh priority urging the Florida Legislature to enact legislation as set forth in Sections 1 and 2 above.

Section 4. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 5. Directs the County's state lobbyists to advocate for the legislation set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item as a priority.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of October, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

APP for Annery

Annery Pulgar Alfonso
Altanese Phenelus
Michael J. Mastrucci